

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Case No.: 1:25-cv-04839

COLLECTANEA J. LIMITED,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE A,

Defendants,

_____ /

DECLARATION OF NANCY LINDSLEY

I, Nancy Lindsley, solemnly affirm under the penalties of perjury and to the best of my knowledge, information and belief as follows:

1. I am employed with eBay Inc. (“eBay”) as a paralegal. I am of age and sound mind, and capable of making this declaration. I am in all respects qualified and authorized in making this declaration.

2. In the regular performance of my job functions, I am familiar with eBay’s user account records, business records, policies, and procedures.

3. I have reviewed the allegations in Plaintiff’s Complaint, Motion for Temporary Restraining Order, Motion for Preliminary Injunction, and other filings as necessary to familiarize myself with this case and prepare this declaration. I have also reviewed the account records of the eBay Sellers listed on Plaintiff’s “Schedule A”.

4. The facts set forth herein are based upon my personal knowledge, or upon my review of the business records of eBay, which records (including data compilations, electronically

imaged documents, and others) were made through routine automated processes, or from information transmitted by a person with knowledge of the event described therein, at or near the time of the event described, and are kept in the ordinary course of the regularly conducted business activity of eBay. In connection with making this declaration, I have personally examined the business records attached hereto. If called as a witness, I could and would testify to the truth and accuracy of the matters stated herein.

5. eBay operates an online marketplace that allows anyone to offer, sell, and buy anything that complies with its policies.

6. Attached hereto as **Exhibit 1** is a true and accurate copy of data pulled from eBay's database showing listings and sales of the accused listings at issue in this lawsuit for the eBay defendants that are the subject of eBay's Motion (collectively, the "eBay Sellers"). These records show the Item Number of the listing; the account number and name of the seller's eBay account; the title of the listing, which is displayed prominently at the top of each listing; the date the seller create the listing; the date the listing ended; and data regarding sales from the listings.

7. More than half of the eBay Sellers have never sold an accused item. Most of the listings at issue ended in 2022 and 2023 (before the copyright at issue was registered on May 22, 2023).

8. None of the listings at issue are still live on eBay's platform. Indeed, of the fifty eBay Sellers at issue, twenty-one of them had the listings at issue end in 2022, twenty-five of them had the listings at issue end in 2023, and four of them had the listings at issue end in 2024.

9. The eBay Sellers run businesses selling more than just the allegedly infringing products. Collectively, they have created 2,750,924 listings on eBay marketplaces around the world. Attached as **Exhibit 2** is the Lifetime Account Listing and Sales information for the eBay

Sellers. The column “Listings_count” shows the lifetime listings for each eBay Seller, the column “quantity_sold” shows the lifetime number of units sold for each eBay Seller across all of their listings and the column “TOTAL_ITEM_GMV_USD” shows the lifetime gross merchandise value for each eBay Seller.

10. For example, eBay Seller “bixlife” has created 427,041 listings on eBay. One of those 427,041 listings was an accused product, the listing ended in July 2022, and the item was never sold. Compare **Exhibit 2** and **Exhibit 1**.

11. Another example is eBay Seller “Overstock” which has created 341,118 listings on eBay. One of those 341,118 listings, which ended in November 2022, was an accused product that never sold. Compare **Exhibit 2** and **Exhibit 1**.

12. These are just examples, many of the eBay Sellers are similarly situated.

13. Only twenty of the eBay Sellers had any sales of accused items—most having less than a handful of sales in 2022 and 2023. The remaining thirty eBay Sellers had zero sales of an accused item. **Exhibit 1** shows all of the accused listings and sales of accused listings for each eBay Seller. The column “QTY_AVAIL” shows the number of units the seller represented to eBay that they had available for sale. The column “QUANTITY_SOLD” is the number of units the sellers actually sold. The column “ITEM-GMV-USD” is the Gross Merchandise Value, or the total US dollar value of the items sold. Rows in which there is no data for QUANTITY_SOLD or ITEM-GMV-USD indicate that no sales were made from the listing.

14. Attached as **Exhibit 3** is the Registration Information for the eBay Sellers, including the city and state in which they are located. The data available to eBay indicates that twenty-five of the fifty eBay Sellers at issue in eBay's Motion are located in the United States.¹

I declare under penalty of perjury that the foregoing is true and correct.

Date: July 22, 2025


NANCY LINDSLEY

¹ The U.S. based eBay Sellers are: 040817a; Overstock; bixlife; bju122901; calibrecoleccion; ecommsupply; escape2earth_5; felmit7; friendlyseller97; hollowpark; hypestore132; justrav2204; kaka-9588; lees_flipsandsteals; life_neccessories; mercados_dbn; modem-46; nelagarments; resale_team; sell_tek; skylinedrift89; stylzandkicks; superbsealer2013; vender_mejores_productos; and zygsdiscountwarehouse. Many of these eBay Sellers have businesses registered with their respective secretaries of state—outside of Illinois.